

REMARKS

Summary of the Office Action

Claims 1-6 and 23-30 were pending in the above-identified patent application. Claims 7-22 were withdrawn from consideration pursuant to applicants' reply to the restriction requirement of December 15, 2005. Applicants previously cancelled withdrawn claims 7-22, without prejudice.

Claims 1-6 and 23-28 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-4, 6-8, 10, 11, 13-17, 19, 21-23, and 25-27 of co-pending Application No. 09/924,272 (hereinafter "the '272 application").

Claims 1-6 and 23-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Agarwal et al. U.S. Patent No. 5,761,484.

Claims 1 and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Shyr U.S. Patent No. 6,871,341.

Claims 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicant's Reply

Applicant notes with appreciation the indication of allowable subject matter in dependent claims 29 and 30.

Applicant has amended independent claims 1 and 23 to incorporate the features allowable dependent claims 29 and 30. Applicant has canceled claims 29 and 30, without prejudice. No new matter has been added and the amendments are fully supported by the specification.

Applicant respectfully submits that these amendments place the claims 1 and 23 in condition for

allowance and therefore should be entered after the final rejection under 37 C.F.R. §1.116.

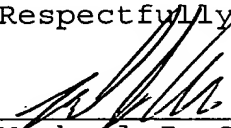
Applicant's Reply to the Provisional
Obviousness-Type Double Patenting Rejection

Claims 1-6 and 23-28 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 20-26 of co-pending Application No. 09/924,272. The Examiner should continue to make this "provisional" double patenting rejection as long as there are conflicting claims in these two applications unless the "provisional" double patenting rejection is the only rejection remaining in this application. If the "provisional" double patenting rejection is the only rejection remaining in this application, then the Examiner should withdraw the rejection and permit this application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application into a double patenting rejection at the time when this application issues as a patent. See MPEP § 804(I)(B).

Conclusion

The foregoing demonstrates that claims 1-6 and 23-28 are patentable. Accordingly, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



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